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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: A PROCLAMATION.

WHEREAS a General Convention of Peace, Amity, Navigation, and Commerce, between the United States of America and the Republic of Colombia, was concluded and signed, at Bogota, on the third day of October, in the year of our Lord one thousand eight hundred and twenty-four; which Convention, being in the English and Spanish languages, is word for word as follows:

General Convention of Peace, Amity, Navigation, and Commerce, between the United States of America and the Republic of Colombia.

IN THE NAME OF GOD, AUTHOR AND LEGISLATOR OF THE UNIVERSE.

The United States of America, and the Republic of Colombia, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a Treaty or general Convention of Peace, Friendship, Commerce, and Navigation.

For this most desirable object, the President of the United States of America has conferred full powers on RICHARD CLOUGH ANDERSON, Junior, a citizen of the said States, and their Minister Plenipotentiary to the said Republic; and the Vice President of the Republic of Colombia, charged with the Executive power, on PEDRO GUAL, Secretary of State and of Foreign Relations, who, after having exchanged their said full powers in due and proper form, have agreed to the following Articles:

ARTICLE 1st.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Colombia, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ARTICLE 2d.

The United States of America and the Republic of Colombia desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favour to other nations in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE 3d.

The citizens of the United States may frequent all the coasts and countries of the Republic of Colombia, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favoured nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favoured nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages, there established, and to which are submitted the subjects and citizens of the most favoured nations.

In like manner the citizens of the Republic of Colombia may frequent all the coasts and countries of the United States, and reside and trade there, in all sorts of produce, manufactures, and merchan-

dise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favoured nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favoured nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages, there established, and to which are submitted the subjects and citizens of the most favoured nations.

ARTICLE 4th.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favoured nation.

ARTICLE 5th.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE 6th.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions, of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favour and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE 7th.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions, of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of the respective governments.

ARTICLE 8th.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandises and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported.

ARTICLE 9th.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay

in like cases: And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them, the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all rights of detraction, on the part of the government of the respective States.

ARTICLE 10th.

Both the contracting parties promise and engage, formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ in defence of their rights such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE 11th.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE 12th.

It shall be lawful for the citizens of the United States of America and of the Republic of Colombia to sail with their ships, with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandises beforementioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted.

It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers

only who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ARTICLE 13th.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree, that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises of the neutral, embarked in such enemy's ships, shall be free.

ARTICLE 14th.

This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2dly. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use;

3dly. Cavalry belts, and horses with their furniture;

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed, expressly to make war by sea or land.

ARTICLE 15th.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE 16th.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel, will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ARTICLE 17th.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, with-

out knowing that the same is besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded or invested, by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE 18th.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral or the other contracting party, the first shall remain out of cannon shot, and may send its boat with two or three men only in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE 19th.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear, that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites, said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE 20th.

It is further agreed that the stipulations above expressed relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honour, that the vessels under his protection belong to the nation whose flag he carries—and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE 21st.

It is further agreed, that in all cases the established courts for prize causes, in the country to

which the prizes may be conducted, shall alone take cognisance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE 22d.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

ARTICLE 23d.

If, by any fatality which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other; and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States and of the Republic of Colombia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which in consideration of humanity the contracting parties engage to give them.

ARTICLE 24th.

Neither the debts due from individuals of one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

ARTICLE 25th.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents, the same favours, immunities, and exemptions, which those of the most favoured nation do or shall enjoy; it being understood that whatever favours, immunities, or privileges, the United States of America or the Republic of Colombia may find it proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE 26th.

To make more effectual the protection which the United States and the Republic of Colombia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most favoured nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

ARTICLE 27th.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall, before entering

on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited; and having obtained their *Erekatur*, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ARTICLE 28th.

It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in every thing besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

ARTICLE 29th.

The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE 30th.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ARTICLE 31st.

The United States of America and the Republic of Colombia, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this Treaty, or General Convention of Peace, Amity, Commerce, and Navigation, have declared solemnly, and do agree to the following points:

1st. The present Treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this Treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3dly. If, (what, indeed, cannot be expected,) unfortunately, any of the articles contained in the present Treaty shall be violated or infringed in any

other way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this Treaty contained shall, however, be construed, or operate contrary to former and existing public Treaties with other Sovereigns or States.

The present Treaty of Peace, Amity, Commerce, and Navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Colombia, with the consent and approbation of the Congress of the same, and the ratifications shall be exchanged in the City of Washington within eight months, to be counted from the date of the signature hereof, or sooner if possible.

In faith whereof, We, the Plenipotentiaries of the United States of America and of the Republic of Colombia, have signed and sealed these presents.

Done in the City of Bogota on the third day of October, in the year of our Lord one thousand eight hundred and twenty-four, in the forty-ninth year of the Independence of the United States of America, and the fourteenth of that of the Republic of Colombia.

[SEAL.] RICHARD CLOUGH ANDERSON, Jr.
[SEAL.] PEDRO GUAL.

Convencion General de Paz, Amistad, Navegacion, y Comercio entre la Republica de Colombia y los Estados Unidos de America, Año de 1824.

EN EL NOMBRE DE DIOS AUTOR Y LEJISLADOR DEL UNIVERSO.

La Republica de Colombia, y los Estados Unidos de America, deseando hacer duradera y firme la amistad y buena inteligencia que felizmente existe entre ambas Potencias, han resuelto fijar de una manera clara, distinta y positiva las reglas que deben observar religiosamente en lo venidero, por medio de un tratado, o convencion general de paz, amistad comercio y navegacion.

Con este muy deseable objeto, el Vice-Presidente de la Republica de Colombia encargado del poder Ejecutivo, ha conferido plenos poderes á PEDRO GUAL, Secretario de Estado y del despacho de relaciones exteriores de la misma, y el Presidente de los Estados Unidos de America á RICARDO CLOUGH ANDERSON, el menor, Ciudadano de dichos Estados, y su Ministro Plenipotenciario cerca de la dicha Republica; quienes despues de haber canjeado sus expresados plenos poderes en debida y buena forma, han convenido en los articulos siguientes.

ART. 1º.

Habra una paz, perfecta, firme, e inviolable y amistad sincera entre la Republica de Colombia y los Estados Unidos de America, en toda la extension de sus posesiones y territorios, y entre sus pueblos y Ciudadanos respectivamente sin distincion de personas, ni lugares.

ART. 2º.

La Republica de Colombia, y los Estados Unidos de America, deseando vivir en paz y harmonia con las demas Naciones de la tierra, por medio de una politica franca, e igualmente amistosa con todas, se obligan mutuamente á no conceder favores particulares a otras naciones, con respecto á comercio y navegacion, que no se hagan inmediatamente comun a una u otra, quien gozará de los mismos libremente, si la concesion fuese hecha libremente, ó

prestando la misma compensacion, si la concesion fuere condicional.

ART. 3º.

Los Ciudadanos de la Republica de Colombia podran frecuentar todas las costas y paises de los Estados Unidos de America, y residir, y traficar en ellos con toda suerte de producciones, manufacturas, y mercaderias, y no pagaran otros, ó mayores derechos, impuestos, ó emolumentos cualesquiera que los que las naciones mas favorecidas estan ó estuvieren obligadas a pagar; y gozarán todos los derechos, privilejos y esenciones, que gozan ó gozaren los de la nacion mas favorecida, con respecto a navegacion y comercio, sometiendose, no obstante, a las leyes, decretos, y usos establecidos, a los cuales estan sujetos los subditos ó Ciudadanos de las naciones mas favorecidas. Del mismo modo los Ciudadanos de los Estados Unidos de America podran frecuentar todas las costas y paises de la Republica de Colombia, y residir y traficar en ellos con toda suerte de producciones, manufacturas, y mercaderias, y no pagaran otros ó mayores derechos, impuestos, ó emolumentos cualesquiera, que los que las naciones mas favorecidas, estan ó estuvieren obligadas a pagar, y gozarán de todos los derechos, privilejos y esenciones, que gozan ó gozaren los de la nacion mas favorecida con respecto a navegacion y comercio, sometiendose, no obstante, a las leyes, decretos y usos establecidos, a los cuales estan sujetos los subditos ó Ciudadanos de las naciones mas favorecidas.

ART. 4º.

Se conviene ademas, que sera enteramente libre y permitido, a los comerciantes, comandantes de buques, y otros Ciudadanos de ambos paises el manejar sus negocios, por si mismos, en todos los puertos y lugares sujetos a la jurisdiccion de uno u otro, asi respecto a las consignaciones y ventas por mayor y menor de sus efectos y mercaderias, como de la carga, descarga y despacho de sus buques, debiendo en todos estos casos, ser tratados como Ciudadanos del pais en que residan, ó al menos puestos sobre un pie igual con los subditos ó Ciudadanos de las naciones mas favorecidas.

ART. 5º.

Los Ciudadanos de una u otra parte, no podran ser embargados ni detenidos con sus embarcaciones, tripulaciones, mercaderias, y efectos comerciales de su pertenencia, para alguna expedicion militar, usos publicos, ó particulares cualesquiera que sean, sin conceder á los interesados una suficiente indemnizacion.

ART. 6º.

Siempre que los Ciudadanos de alguna de las partes contratantes se vieren precisados a buscar refugio, ó asilo en los rios, bahias, puertos, ó dominios de la otra, con sus buques, ya sean mercantes, ó de guerra, publicos ó particulares, por mal tiempo, persecucion de piratas ó enemigos, serán recibidos y tratados con humanidad, dandoles todo favor y proteccion, para reparar sus buques, procurar vivieres, y ponerse en situacion de continuar su viaje, sin obstaculo ó estorbo de ningun genero.

ART. 7º.

Todos los buques, mercaderias y efectos pertenecientes a los Ciudadanos de una de las partes contratantes, que sean apresados por piratas, bien sea dentro de los limites de su jurisdiccion, ó en alta mar, y fueren llevados, ó hallados en los rios, radas, bahias, puertos, ó dominios de la otra, serán entregados á sus dueños, probando estos en la forma propia y debida sus derechos ante los Tribunales competentes; bien entendido que el reclamo ha de hacerse dentro del termino de un año, por las mismas partes, sus apoderados ó Agentes de los respectivos Gobiernos.

ART. 8º.

Cuando algun buque perteneciente á los Ciudadanos de alguna de las partes contratantes, naufrague,

encalle, ó sufra alguna averia, en las costas, ó dentro de los dominios de la otra, se les dará toda ayuda y proteccion, del mismo modo que es uso y costumbre, con los buques de la nacion en donde sucede la averia; permitiendoles descargár el dicho buque (si fuere necesario) de sus mercaderias y efectos, sin cobrar por esto hasta que sean exportados, ningun derecho, impuesto ó contribucion.

ARTº. 9º.

Los ciudadanos de cada una de las partes contratantes, tendrán pleno poder para disponer de sus bienes personales dentro de la jurisdiccion de la otra, por venta, donacion, testamento, ó de otro modo; y sus representantes, siendo ciudadanos de la otra parte, sucederán á sus dichos bienes personales, ya sea por testamento ó *ab intestato*, y podran tomar posesion de ellos, ya sea por si mismos, ó por otros, que obren por ellos, y disponer de los mismos, segun su voluntad, pagando aquellas cargas solamente, que los habitantes del pais en donde estan los referidos bienes, estuvieren sujetos á pagar en iguales casos. Y si en el caso de bienes raices, los dichos herederos fuesen impedidos de entrar en la posesion de la herencia por razon de su caracter de extranjeros, se les dará el termino de tres años, para disponer de ella como juzguen conveniente, y para extraer el producto sin molestia, y esentos de todo derecho de deducción, por parte del Gobierno de los respectivos Estados.

ARTº. 10º.

Ambas partes contratantes se comprometen y obligan formalmente á dar su proteccion especial á las personas y propiedades de los ciudadanos de cada una reciprocamente transeuntes ó habitantes de todas ocupaciones, en los territorios sujetos á la jurisdiccion de una y otra, dejandoles abiertos y libres los Tribunales de justicia, para sus recursos judiciales, en los mismos terminos que son de uso y costumbre para los naturales ó Ciudadanos del pais en que residen; para lo cual, podrán emplear en defensa de sus derechos aquellos Abogados, Procuradores, Escribanos, Agentes, ó Factores que juzguen conveniente, en todos sus asuntos y litigios; y dichos ciudadanos ó Agentes tendrán la libre facultad de estar presentes en las decisiones y sentencias de los Tribunales, en todos los casos que les conciernan, como igualmente al tomar todos los examenes y declaraciones que se ofrezcan en los dichos litigios.

ARTº. 11º.

Se conviene igualmente en que los ciudadanos de ambas partes contratantes gozen la mas perfecta y entera seguridad de conciencia en los paises sujetos á la jurisdiccion da una ó otra, sin quedar por ello expuestos á ser inquietados ó molestados en razon de su creencia religiosa, mientras que respetén las leyes y usos establecidos. Ademas de esto, podrán sepultarse los cadáveres de los Ciudadanos de una de las partes contratantes, que fallecieren en los territorios de la otra, en los cementerios acostumbrados, ó en otros lugares decentes, y adecuados, los cuales, serán protegidos contra toda violacion ó trastorno.

ARTº. 12º.

Será licito a los Ciudadanos de la Republica de Colombia, y de los Estados Unidos de America, navegar con sus buques, con toda seguridad y libertad, de cualquier puerto á las plazas ó lugares de los que son ó fieren en adelante enemigos de cualquiera de las dos partes contratantes, sin hacerse distincion de quienes son los dueños de las mercaderias cargadas en ellos. Será igualmente licito á los referidos ciudadanos navegar con sus buques y mercaderias mencionadas y traficar con la misma libertad y seguridad, de los lugares, puertos y enseñas de los enemigos de ambas partes, ó de alguna de ellas, sin ninguna oposicion, ó disturbio qualquiera, no solo directamente de los lugares de enemigo arriba mencionados á lugares neutros, sino tambien de un lugar perteneciente á un enemigo, á

otro enemigo, ya sea que esten bajo la jurisdiccion de una potencia, ó bajo la de diversas. Y queda aqui estipulado, que los buques libres, dan tambien libertad á las mercaderias, y que se ha de considerar libre y esento todo lo qué se hallare á bordo de los buques pertenecientes á los Ciudadanos de cualquiera de las partes contratantes, aunque toda la carga ó parte de ella pertenezca á enemigos de una ó otra, exceptuando siempre los articulos de contrabando de guerra. Se conviene tambien del mismo modo, en que la misma libertad se estienda á las personas que se encuentren á bordo de buques libres, con el fin de que aunque dichas personas sean enemigos de ambas partes ó de alguna de ellas, no deban ser extraidos de los buques libres, á menos que sean oficiales ó Soldados en actual servicio de los enemigos: á condicion no obstante, y se conviene aqui en esto, que las estipulaciones contenidas en el presente articulo, declarando que el Pabellon cubre la propiedad, se entenderán aplicables solamente á aquellas potencias que reconocen este principio; pero si alguna de las dos partes contratantes, estuviere en guerra con una tercera, y la otra permaneciese neutral, la bandera de la neutral cubrirá la propiedad de los enemigos, cuyos Gobiernos reconozcan este principio y no de otros.

ARTº. 13º.

Se conviene igualmente que en el caso de que la bandera neutral de una de las partes contratantes protega las propiedades de los enemigos de la otra en virtud de lo estipulado arriba, deberá siempre entenderse, que las propiedades neutrales encontradas á bordo de tales buques enemigos, han de tenerse y considerarse como propiedades enemigas, y como tales, estarán sujetas á detencion, y confiscacion; exceptuando solamente aquellas propiedades que hubiesen sido puestas á bordo de tales buques antes de la declaracion de la guerra, y aun despues, si hubiesen sido embarcadas en dichos buques, sin tener noticia de la guerra; y se conviene, que pasados dos meses despues de la declaracion, los ciudadanos de una y otra parte no podrán alegar que la ignoraban. Por el contrario, si la bandera neutral, no protegiese las propiedades enemigas, entonces serán libres los efectos y mercaderias de la parte neutral, embarcadas en buques enemigos.

ARTº. 14º.

Esta libertad de navegacion y comercio se estenderá a todo genero de mercaderias, exceptuando aquellas solamente, que se distinguen con el nombre de contrabando, y bajo este nombre de *contrabando* ó efectos prohibidos se comprenderán:

1º. Cañones, morteros, obuses, pedreros, trabucos, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lazas, chuzos, alabardas, y granadas, bombas, polvora, mechas, balas, con las demas cosas correspondientes al uso de estas armas.

2º. Escudos, casquetes, corazas, cotas de malla, fornitorias, y vestidos hechos en forma, y á usanza militar.

3º. Bandoleras, y caballos junto con sus armas y arneses.

4º. Y generalmente toda especie de armas, e instrumentos de hierro, acero, bronce, cobre, y otras materias cualesquier, manufacturadas, i reparadas, y formadas expresamente para hacer la guerra por mar, ó tierra.

ARTº. 15º.

Todas las demas mercaderias, y efectos no comprendidos en los articulos de contrabando explicitamente enumerados, y clasificados en el articulo anterior, serán tenidos, y reputados por libres, y de licito y libre comercio, de modo, que ellos puedan ser transportados, y llevados de la manera mas libre, por los ciudadanos de ambas partes contratantes, aun á los lugares pertenecientes á un enemigo de una ó otra, exceptuando solamente aquellos lugares ó plazas, que están al mismo tiempo sitiadas, ó bloqueadas: y para evitar toda duda en el particular,

se declaran sitiadas ó bloqueadas aquellas plazas, que en la actualidad estuviesen sitiadas por una fuerza de un beligerante capaz de impedir la entra da del neutral.

ARTº. 16º.

Los articulos de contrabando antes enumerados y clasificados, que se hallen en un buque destinado á puerto enemigo estarán sujetos á detencion y confiscacion; dejando libre el resto del cargamento, y el buque, para que los dueños puedan disponer de ellos como lo crean conveniente. Ningun buque de cualquiera de las dos Naciones, será detenido, por tener á bordo articulos de contrabando, siempre que el Maestre, Capitan, ó Sobre cargo de dicho buque quiera entregar los articulos de contrabando al apresador, á menos que la cantidad de estos articulos sea tan grande y de tanto volumen, que no puedan ser recibidos á bordo del buque apresador, sin grandes inconvenientes; pero en este, como en todos los otros casos de justa detencion, el buque detenido será enviado al puerto mas inmediato, cómodo, y seguro, para ser juzgado y sentenciado conforme á las leyes.

ARTº. 17º.

Y por quanto frecuentemente sucede que los buques navegan para un puerto ó lugár perteneciente á un enemigo, sin saber que aquel esté sitiado, bloqueado ó envestido, se conviene en que todo buque en estas circunstancias se pueda hacer volver de dicho puerto, ó lugár; pero no será detenido, ni confisquada parte alguna de su cargamento, no siendo contrabando; á menos que despues de la intimacion de semejante bloqueo ó ataque, por el comandante de las fuerzas bloqueadoras, intentase otra vez entrar; pero le será permitido ir á qualquiera otro puerto ó lugár que juzgue conveniente. Ni ningun buque de una de las partes, que haya entrado en semejante puerto, ó lugár, antes que estuviese sitiado, bloqueado, ó envestido por la otra, sera impedido de dejar el tal lugár con su cargamento, ni si fuere hallado allí despues de la rendicion y entrega de semejante lugár, estará el tal buque ó su cargamento sujeto á confiscacion, sino que serán restituidos á sus dueños.

ARTº. 18º.

Para evitar todo genero de desorden en la visita, y examen de los baques y cargamentos de ambas partes contratantes en alta mar, han convenido mutuamente, que siempre que un buque de guerra, publico ó particular se emoustre con un neutral de la otra parte contrante, el primero permanecerá fuera de tiro de cañon, y podrá mandar su bote, con dos ó tres hombres solamente, para ejecutar el dicho examen de los papeles concernientes á la propiedad y carga del buque, sin ocasionar la menor estorcion, violencia ó mal tratamiento, por lo que los comandantes del dicho buque armado serán responsables, con sus personas y bienes; á cuyo efecto los comandantes de buques armados, por cuenta de particulares, estarán obligados antes de entregarselos sus comisiones ó patentes, á dar fianza suficiente para responder de los perjuicios que causen. Y se ha convenido expresamente, que en ningun caso se exigira á la parte neutral, que vaya á bordo del buque examinador con el fin de exhibir sus papeles, ó para qualquiera otro objeto sea el que fuere.

ARTº. 19º.

Para evitar toda clase de vejamen y abuso en el examen de los papeles relativos á la propiedad de los buques pertenecientes á los ciudadanos de las dos partes contratantes, han convenido y convienen, que en caso de que una de ellas estuviere en guerra, los buques, y bajeles pertenecientes á los ciudadanos de la otra, serán provistos con letras de mar, ó pasaportes, expresando el nombre, propiedad y tamaño del buque, como tambien el nombre y lugar de la residencia del Maestre, ó Comandante, á fin de que se vea que el buque, real y verdadero-

ramente pertenecientes; y cargados lo de mar, ó p certificados, gamento, y que asi p efectos proce dientes serán procedencia sin cuyos re nido, para satisagan, damente eq

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ramente pertenece á los ciudadanos de una de las partes ; y han convenido igualmente, que estando cargados los espresados buques, ademas de las letras de mar, ó pasaportes, estaran tambien provistos de certificados, que contengan los por menores del caramiento, y el lugar de donde salió el buque, para que asi pueda saberse, si hay á su bordo algunos efectos prohibidos ó de contrabando, cuyos certificados serán hechos por los oficiales del lugar de la procedencia del buque, en la forma acostumbrada, sin cuyos requisitos el dicho buque puede ser detenido, para ser juzgado por el Tribunal competente, y puede ser declarado buena presa, á menos que satisfagan, ó suplan el defecto con testimonios enteramente equivalentes.

ARTº. 20º.

Se ha convenido ademas, que las estipulaciones anteriores, relativas al examen y visita de buques, se aplicarán solamente á los que navegan sin convoy y que cuando los dichos buques estuvieren bajo de convoy, será bastante la declaración verbal del Comandante del convoy, bajo su palabra de honor, de que los buques que están bajo su protección pertenecen a la nación, cuya bandera llevan, y cuando se dirijen á un puerto enemigo, que los dichos buques no tienen á su bordo artículos de contrabando de guerra.

ARTº. 21º.

Se ha convenido ademas, que en todos los casos que ocurrán, solo los Tribunales establecidos para causas de presas, en el país á que las presas sean conducidas, tomarán conocimiento de ellas. Y siempre que semejante Tribunal de cualquiera de las partes, pronunciase sentencia contra algún buque, ó efectos, ó propiedad reclamada por los Ciudadanos de la otra parte, la sentencia ó decreto hará mención de las razones ó motivos en que aquella se haya fundado, y se entregará sin demora alguna al comandante ó Agente de dicho buque, si lo solicitase, un testimonio auténtico de la sentencia, ó decreto, ó de todo el proceso, pagando por él los derechos legales.

ARTº. 22º.

Siempre que una de las partes contratantes estuviere empeñada en guerra, con otro Estado, ningún Ciudadano de la otra parte contratante aceptará una comisión ó letra de marca para el objeto de ayudar ó co-operar hostilmente con el dicho enemigo, contra la dicha parte que esté así en guerra, bajo la pena de ser tratado como pirata.

ARTº. 23º.

Si por alguna fatalidad, que no puede esperarse, y que Dios no permita, las dos partes contratantes se viesen empeñadas en guerra una con otra, han convenido y convienen de ahora para entonces, que se concederá el término de seis meses á los comerciantes residentes en las costas y en los puertos de entrambas, y el término de un año á los que habitan en el interior, para arreglar sus negocios, y transportar sus efectos á donde quieran, dándoles el salvo conducto necesario para ello, que les sirva de suficiente protección hasta que lleguen al puerto que designen. Los Ciudadanos de otras ocupaciones, que se hallen establecidos en los territorios ó dominios de la Republica de Colombia, ó los Estados Unidos de America, serán respetados, y mantenidos en el pleno goze de su libertad personal y propiedad, á menos que su conducta particular les haga perder esta protección, que en consideración á la humanidad, las partes contratantes se comprometen á prestarles.

ARTº. 24º.

Ni las deudas contraídas por los individuos de una Nación, con los individuos de la otra, ni las acciones ó dineros, que puedan tener en los fondos públicos, ó en los bancos públicos, ó privados, serán jamás secuestrados ó confiscados en ningún caso de guerra, ó diferencia nacional.

ARTº. 25º.

Deseando ambas partes contratantes, evitár toda diferencia, relativa á etiqueta en sus comunicaciones, y correspondencias diplomáticas han convenido así mismo, y convienen en conceder á sus Enviados, Ministros, y otros Agentes Diplomáticos, los mismos favores, inmunidades, y esenciones de que gozan, ó gozaren en lo venidero los de las naciones mas favorecidas, bien entendido que cualquier favor, inmunidad ó privilegio, que la Republica de Colombia ó los Estados Unidos de America, tengan por conveniente dispensar á los Enviados, Ministros, y Agentes Diplomáticos de otras Potencias, se haga por el mismo hecho extensivo á los de una y otra de las partes contratantes.

ARTº. 26º.

Para hacér mas efectiva la protección, que la Republica de Colombia, y los Estados Unidos de America, darán en adelante á la navegación y comercio de los ciudadanos de una y otra, se convienen en recibir y admitir Consules, y Vice Consules en todos los puertos abiertos al comercio extranjero, quienes gozarán en ellos todos los derechos, prerrogativas e inmunidades de los Consules, y Vice Consules de la nación mas favorecida, quedando no obstante en libertad cada parte contratante, para exceptuar aquellos puertos y lugares en que la admisión y residencia de semejantes Consules, y Vice Consules no parezca conveniente.

ARTº. 27º.

Para que los Consules, y Vice Consules de las dos partes contratantes, puedan gozar los derechos, prerrogativas, e inmunidades, que les corresponden por su carácter publico, antes de entrár en el ejercicio de sus funciones, presentarán su comisión ó patente en la forma debida, al Gobierno con quien estén acreditados, y habiendo obtenido el *exequatur*, serán tenidos, y considerados, como tales, por todas las autoridades, magistrados y habitantes del distrito Consular en que residan.

ARTº. 28º.

Se ha convenido igualmente, que los Consules, sus Secretarios, oficiales y personas agregadas al servicio de los consulados (no siendo estas personas Ciudadanos del país en que el Consul reside) estarán esentos de todo servicio público, y también de toda especie de pechos, impuestos, y contribuciones, exceptuando aquellas que estén obligados á pagar por razón de comercio, ó propiedad, y á las cuales estan sujetos los Ciudadanos, y habitantes naturales, y extranjeros del país en que residen, quedando en todo lo demás, sujetos a las leyes de los respectivos Estados. Los archivos y papeles de los consulados serán respetados inviolablemente, y bajo ningún pretexto los ocupará magistrado alguno, ni tendrá en ellos ninguna intervención.

ARTº. 29º.

Los dichos Consules tendrán poder de requerir el auxilio de las autoridades locales, para la prisión, detención y custodia de los desertores de buques públicos y particulares de su país, y para este objeto se dirigirán á los Tribunales, Jueces, y oficiales competentes, y pedirán los dichos desertores por escrito, probando por una presentación de los registros de los buques, rol del equipaje, ó otros documentos públicos, que aquellos hombres eran parte de las dichas tripulaciones, y á esta demanda así probada (menos no obstante cuando se probare lo contrario) no se reusará la entrega. Semejantes desertores, luego que sean arrestados, se pondrán á disposición de los dichos Consules, y pueden ser depositados en las prisiones públicas, a solicitud y expensas de los que los reclamen, para ser enviados á los buques á que corresponden, ó á otros dentro de la misma nación. Pero si no fueren mandados dentro de dos meses contados des de el dia de su arresto, serán puestos en libertad, y no volverán a ser presos por la misma causa.

ARTº. 30º.

Para proteger mas efectivamente su comercio y navegación, las dos partes contratantes se convienen en formar luego que las circunstancias lo permitan una Convención Consular, que declare mas especialmente los poderes e inmunidades de los Consules y Vice Consules de las partes respectivas.

ARTº. 31º.

La Republica de Colombia y los Estados Unidos de America, deseando hacer tan duraderas y firmes, como las circunstancias lo permitan las relaciones que han de establecerse entre las dos Potencias, en virtud del presente tratado ó convención general de paz, amistad, navegación y comercio, han declarado solememente y convienen en los puntos siguientes :

1º. El presente tratado permanecerá en su fuerza y vigor por el término de doce años contados desde el dia del cange de las ratificaciones, en todos los puntos concernientes á comercio y navegación, y en todos los demás puntos que se refieren á paz y amistad, será permanente, y perpetuamente obligatorio para ambas potencias.

2º. Si alguno, ó algunos de los Ciudadanos de una u otra parte infringiesen alguno de los artículos contenidos en el presente tratado, dichos Ciudadanos serán personalmente responsables, sin que por esto se interrumpa la harmonia y buena correspondencia entre las dos Naciones, comprometiéndose cada una á no proteger de modo alguno al ofensor, ó sancionar semejante violacion.

3º. Si (lo que á la verdad no puede esperarse) desgraciadamente, alguno de los artículos contenidos en el presente tratado, fuesen en alguna otra manera violados, ó infringidos, se estipula expresamente que ninguna de las dos partes contratantes, ordenará, ó autorizará ningunos actos de represalia, ni declarará la guerra contra la otra por quejas de injurias, ó daños, hasta que la parte que se crea ofendida, haya antes presentado á la otra una exposición de aquellas injurias, ó daños, verificada con pruebas y testimonios competentes, exigiendo justicia y satisfacción, y esto haya sido negado, ó disido sin razon.

4º. Nada de cuanto se contiene en el presente tratado, se construirá sin embargo, ni obrará, en contra de otros tratados públicos anteriores, y existentes con otros soberanos ó Estados.

El presente tratado de paz, amistad, navegación, y comercio, será ratificado por el Presidente ó Vice Presidente de la Republica de Colombia, encargado del poder Ejecutivo, con consentimiento y aprobación del Congreso de la misma, y por el Presidente de los Estados Unidos de America, con consejo, y consentimiento del Senado de los mismos; y las ratificaciones serán cangeadas en la Ciudad de Washington dentro de ocho meses contados desde este dia, ó antes si fuese posible.

En fe de lo cual nosotros los Plenipotenciarios de la Republica de Colombia, y de los Estados Unidos de America hemos firmado y sellado las presentes.

Dadas en la Ciudad de Bogota el dia tres de Octubre del año del Señor mil ocho cientos veintiuno, decimo cuarto de la independencia de la Republica de Colombia y cuadragesimo nono de la de los Estados Unidos de America.

Firmado,

(L. S.) PEDRO GUAL,

(L. S.) RICHARD CLOUGH ANDERSON, JR.

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged, at Washington, on the twenty-seventh day of the present month, by DANIEL BRENT, Chief Clerk of the Department of State, and JOSE MARIA SALAZAR, LL. D. Fiscal of the High Court of Justice of the Republic of Colombia, and Envoy Extraordinary and Minister Plenipotentiary thereof near the Go-

vernment of the United States of America, on the part of their respective Governments.

Now, therefore, be it known, that I, JOHN QUINCY ADAMS, President of the United States, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the City of Washington, this thirty-first day of May, in the year of our Lord one thousand eight hundred and twenty-five, and of the Independence of the United States the forty-ninth.

JOHN QUINCY ADAMS.

By the President :
H. CLAY, Secretary of State.

CONNECTICUT.—GOVERNOR'S MESSAGE.

Gentlemen of the Senate, and
Gentlemen of the House of Representatives:

I congratulate you on the auspicious prospects of our State and Nation. During the past year, great and lasting events have occurred: The free principles, which at an early period were established in this region, are extending throughout the Western hemisphere: The unjust dominion claimed by the Eastern Continent, has been signally repressed: At peace with foreign nations, and in a state of amity with our neighbours, we have nothing to desire beyond the quiet enjoyment of our rights, with permission to extend our agriculture, commerce, arts, and manufactures, on terms of equality, unrestrained by external annoyance.

We are bound to acknowledge with gratitude that we have hitherto remained a highly favoured people, and to regulate our conduct by a firm conviction, that all our blessings have proceeded from the bounty of a kind Creator, who has established immutable connexions between the performance of duties and the enjoyments of prosperity.

Under the exact and provident system which has been established, the institutions of this State are procuring their customary results, and I have but little, of merely local concern, to add to former suggestions. Our most important interests are at present connected with the proceedings of the National Government, and those of the neighbouring States. I implicitly confide in your wisdom to supply, so far as your powers extend, whatever is deficient, and to afford your aid towards establishing and maturing every part of that great system of legislation, upon the harmony of which the interests of this State, and of the United States, depend, and with which the freedom and improvement of the great family of mankind are inseparably connected. The present is the most interesting age which has occurred since the promulgation of Christianity—great discoveries have been recently made in our own, and in other countries; a high trust is committed to our hands, and the eyes of both friends and enemies throughout the world, are now critically surveying the conduct of this nation.

The reorganization of the authorities of this State, which depend on annual appointments, and the triennial designation of Sheriffs of counties, demand your primary attention.

In connexion with this subject, the appointment of a Senator of the United States, in the place of the Hon James Lannan, whose term of service has expired, is necessary.

On the 6th of February last, I received information that the President of the United States had desired the Senate to convene on the fourth of March: The notice was communicated from the Secretary of State, through Mr. Lannan: On the eighth of February, I

designated that gentleman to take his seat in the Senate, on behalf of this State. His commission, properly authenticated, was expressly limited to take effect after the third of March, and to continue until the meeting of the present General Assembly. As the proceedings in this case were in strict accordance with precedents, sanctioned by the practice of both the great parties which have formerly divided the public opinion of this country, it could not have been foreseen by me, that the validity of Mr. Lannan's commission would be disputed.

The right and duty of the States, to preserve their full representation in the National Senate, is, I think, unquestionable, and if during the recess of their Legislatures, vacancies happen, from any causes, it becomes the duty of the Executives of the States, in which such vacancies occur, and especially if they know that the Senate is required to concur during such intervals, to supply the vacancies by temporary appointments.

The power of the Senate, to judge of the elections, returns, and qualifications of the members of that body, is also unquestionable, and, as incidental to this power, the right to establish rules and forms of proceeding, ought, perhaps, to be conceded. As general powers ought never, in free governments, to be exercised in an arbitrary manner, established precedents in analogous cases, are entitled to peculiar respect, and especially when they serve to continue and sustain important delegated authorities. Accordingly, in the absence of any prescribed rules, the usages of the Senate, have, as I believe, been regarded by the State Executives, as safe precedents. We have suffered some evils from the alleged imperfection of language, and have before heard of the importance of adhering to strict interpretations of the Constitution, which have been heretofore urged for the purpose of diminishing the powers of the National Government, but in the case under consideration, the decision of a majority of the Senate tends to limit the exercise of a State authority, which, under certain circumstances, may be highly important to its sovereignty.

Nothing, in my opinion, is more certain, than that the rights and independence of the States entirely depend upon their ability to maintain tranquil and impartial elections and appointments, in the Legislative and Executive departments of the National Government.

An administration has just retired, during which patriotic, important, and splendid services were performed. Another has succeeded, the first formations of which have been hitherto attended with greater equanimity than many anticipated. All good men hope that subsequent events will evince that the tide of our prosperity is not full; they will admit, that time, with deliberate and calm investigations, must precede the fulfilment of our desires, and that candour, united with patience, are indispensable to the correct decisions of public opinion.

During the intervals allowed for forming this opinion throughout this vast country, where many minds and various interests are to be consulted, and, if possible, reconciled, it will be wise for the State governments and the people to recollect, that the numbers, strength, and self-confidence of this Nation and its component members, are rapidly increasing; that distinguished men are multiplying, who cannot fail to deserve and attract the confidence of the powerful States, in which they reside, and that the probability is consequently increasing, that important elections will, under our present organization, be frequently decided in the House of Representatives, accompanied with increasing and, perhaps, dangerous collisions of opinion.

Soon after the termination of the last General Assembly, I received a letter from the Governor of Massachusetts, accompanied with a resolution of the Senate and House of Representatives of that Commonwealth, expressing their sincere desire, to determine, on just and equitable principles, the boundary line between the two States, so far as the same remains in dispute. Not being authorized to take any measures to accelerate this desirable event, I now submit the subject to your consideration and decision.

The State of Indiana has approved the proposals of the State of Ohio, relative to a national system

for the emancipation and foreign colonization of Slaves, and has disapproved the amendment to the Constitution of the United States proposed by the State of Georgia, on the subject of the ingress of people of colour into the several States of the Union, contrary to the laws thereof.

The State of New-Jersey has passed resolutions corresponding with those adopted by the State of Indiana, relative to proposals of the States of Ohio and Georgia.

The State of Mississippi has disapproved the proposal of the State of Ohio, relative to the emancipation of slaves, and has approved the amendment proposed by the State of Georgia, relative to the ingress of people of colour into any of the United States, contrary to the laws of such State.

The State of Georgia has disapproved the resolutions of the State of Ohio, proposing the emancipation of slaves.

During the last session of Congress, resolutions were submitted to the Senate of the United States, proposing that the public lands of the Union, except in the territory of Florida, should be appropriated and pledged, as a permanent fund for education and public improvement;—that the proceeds of the sales of such lands, after defraying the incidental expenses, be annually invested, by the Secretary of the Treasury, in the Stock of the Bank of the United States, or in the Stock of the Government, or other Stock, as Congress may direct, together with the interest annually accruing thereon; and that during the year following the return of the next census, and immediately after the appointment of Representatives, and during every tenth year thereafter, the proceeds of the interest arising on said Capital Stock, be distributed among the several States, according to the ratio of representation, one-half of which sum to constitute a fund for education, and the other half to constitute a fund for internal improvement, to be applied to those objects, under the authority of the respective States.

These propositions were referred to a select committee, who made a partial report, embracing a circular letter from their chairman to the Governors of the States, requesting important statistical information, relating to the topics referred to their consideration, which has been printed for circulation by order of the Senate.

As nothing can be more interesting to this State, or to the nation, than correct views on these subjects, I shall be happy in being informed of the sentiments of this General Assembly respecting them. I have, personally, no doubt that if a just proportion of the public resources can be applied to encourage education and internal improvement, according to some wise system, to be devised in concert with the States, it will be difficult to estimate too highly the moral and intellectual elevation which the United States may in consequence attain. But if their views should unhappily become discordant, the very grandeur of these objects may render them sources of interminable rivalry and dissension.

Under these circumstances, it must be useful to review the means by which our public improvements have been prosecuted.

Before, and during the revolutionary war, the roads in this State, except during the winter, were impassable by carriages of every kind. But it was owing to their imperfect formation, especially in the mountainous regions, and to the military preparations of a comparatively dense population, animated with patriotic ardour, that the enemy never attempted to hold possession of any of our towns, and never reposed a single day where they were not protected by the cannon of their ships. Peace found us, after a long and severe contest, with but little property, except fenceless farms, decayed buildings, impaired stocks of both utensils and animals, and without money or credit. The people immediately commenced a vigorous system of repairs and improvements, and notwithstanding their poverty and distresses, they wisely resisted the temptations to issue an unfunded paper currency, of which many examples were presented to their view.

At this period, the movements of the people were directed by ancient laws, which still continue in force,

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without essential alterations. By these laws, it is made the duty of the inhabitants of the several towns, as corporate bodies, to create, repair, and sustain, by labour and taxation, necessary private roads and public highways, and bridges, *within their several jurisdictions*. The Select-men of the towns are authorized to superintend the execution of these duties, which are enforced by adequate sanctions, with penalties for all damages resulting from non-performance.

Here it is proper to remark, that the right to take private property for public uses, has ever been recognised in this State, but accompanied with provisions, that in all cases, a just compensation shall be made, for the property so taken. These rights are expressly secured to the people of this State, by our Constitution, and to the citizens of all the States, by the National Constitution, and they clearly exclude the power of arbitrary and partial taxation or assessments upon adjoining property, under an idea of supposed benefits resulting from public improvements.

Provision being thus made, for creating and supporting public highways and bridges, and private roads, *within the several towns*, it became necessary to establish an impartial common arbiter or tribunal, to determine controversies between towns and individuals, and to maintain roads and bridges *between contiguous towns*, where, as independent corporations, no common jurisdiction existed.

Suitable powers were accordingly vested in the *County Courts*, to determine the courses of roads, and the location of bridges *between adjoining towns, and to settle the private rights of individuals*.

By the peace which succeeded the revolutionary war, the intercourse between *adjoining counties and neighbouring states* was greatly increased; emigrations multiplied, and more convenient and direct facilities of internal communication were demanded. Carriages for the conveyance of travellers, were first established in this state. The improvement of roads was a natural consequence; and to defray the consequent expenses, tolls were permitted to be collected. The great advantages which resulted from these improvements, led to the formation of responsible companies, the powers, duties and rights of which, were prescribed by acts of incorporation.

The first Turnpike Company in the United States, was created under the authority of this State, by funds derived from a lottery. The funds of other companies were advanced in money or equivalent labour by individuals, who thus became voluntary stockholders, and were secured, and expected to be ultimately reimbursed, from the income of tolls collected from travellers. To superintend these operations, Commissioners were appointed, who were authorized to direct when, and where, improvements were to be made, and to settle the accounts of the companies, and to direct where turnpike gates should be opened and the collection of tolls suspended, as penalties for culpable neglect by the companies.

If, in many instances, the income of Turnpike Companies has been so moderate, that the market value of their stock has depreciated, yet in this State, but few companies have been discontinued. An indirect emolument has accrued to many of the stockholders, who frequently, if not commonly, are proprietors of lands adjoining the improved roads. In cases where actual losses have been sustained, they have usually arisen from injudicious locations or defective arrangements, or have been occasioned by an indiscreet ardour, which induced a multiplication of companies, greater than public utility demanded. The rights of companies and of the community, have, however, been constantly secured by precise regulations, and the property of the stockholders must hereafter increase, with the progressive prosperity and improvement of the State.

It thus appears, that stage carriages, improved roads and Turnpike Companies, are emanations from the industry of Connecticut, where the accommodations for travelling by land, are now superior to those in any European nation, except the British dominions, and equal, as I believe, to those in general use in that nation, with the exception of some recent inventions.

This summary recital of the means by which former improvements have been prosecuted, naturally conducts the mind to the present important era, when the public attention is strongly excited to devise measures for introducing the improvements of the present age, and of combining the whole in one great American system. We may be certain, that these improvements have already been so far established in this and other countries, that their further progress must change the economical, commercial, and political relations of every nation. They cannot now be arrested, nor even retarded, except by miscalculations, which, violating well ascertained laws of physical and moral action, may occasion local disappointments.

It has been demonstrated to the reason of this country, that whatever is known, or has been performed anywhere, may be repeated here, with facilities of accomplishment equal to what can be commanded by any other people.

The application of fire to produce an equable motion in heavy bodies, is a modern invention, equal in value to any which preceded it!—we can now estimate its effects when applied to navigation, and admire the rapidity with which it has extended. All our navigable ports below tide water, and on Connecticut river, to the city of Hartford, can now communicate daily with the emporium of New-York, notwithstanding the opposition of winds, tides and currents.

Even this invention, is but a stage from which magnificent improvements may be extended through the jurisdictions of Connecticut, Massachusetts, New-Hampshire and Vermont; and it is believed, if the consent of Canada can be obtained, the head waters of our great river may be easily united with those which descend into the St. Lawrence. Without leaving the territories of the United States, the abundant sources of the Connecticut may, by lateral canals, be united to commercial ports in Maine, and through New-Hampshire, with Boston, through Vermont, with Lake Champlain, and through a section of Massachusetts, with the city of New-Haven. The projected canal on the Ousatonic, may, at a moderate expense, and with great advantage, be extended into the heart of the flourishing county of Berkshire, not only to assist the exportation of its agricultural and fossil productions, but for the introduction of salt and gypsum, and especially the anthracite coal of Pennsylvania, and thereby promote the manufacture of the invaluable iron ores, which abound in the Taconic mountain. The Eastern rivers in this State, have not, to my knowledge, been surveyed for the purpose of ascertaining their declivities and natural connexions. It is probable that some of them may be directly connected with the flourishing port of Providence, and that all of them are susceptible of valuable improvements; but as the present object is merely to invite inquiries of a general nature, precise and minute information is the less important. The greatest obstacle to the formation of canals over our hilly country, may be expected from the difficulty of finding sufficient water on the summits over which they must be conducted. But, as many of our rivers interlock near their sources, even this difficulty may probably be obviated, by establishing rail-ways, and locomotive engines on the lines of intersection. These recent inventions are at present extending with powerful energy, in England and Scotland, and many engineers believe that they will soon wholly supply the use of animal power in the transportation of ponderous substances, and even supersede the use of canals, in many instances. The practical utility of these inventions, or their inefficacy, will be ascertained by severe and infallible tests of experience, before this country can be prepared to adopt them, and if, as is to be desired, they prove successful, they will become powerful auxiliaries to our national industry.

In my opinion, the period has arrived, when a comprehensive system of National Improvements ought to be formed, and I think that the North-Eastern States are invited to co-operate with the rest of the Union, by every consideration arising from a sense of duty, honor, and interest. This section embraces a great agricultural, commercial, and manufacturing region. We well understand the mutual relations of these interests, and know that they all flourish best, when all are impartially protected. Such improvements as have been noticed, would direct the currents of our rivers upon elevat-

ed plains, multiply hydraulic powers, increase the fertility of the subjacent soil, develop and distribute the treasures in our mountains, animate the industry and enterprise of all the people, connect their interests with those established on the whole line of sea coast, and with like interests in the Southern States, increase all their relations with this State, and enable every portion to participate with the immeasurable advantages which the canals of New-York will confer on the Western States, and, through them, on the new Republics of the Western Hemisphere.

It is an interesting subject, to determine the system by which these great objects can be most advantageously accomplished. That they embrace vital interests in several contiguous States; that the completion of them will occupy a considerable portion of time and extensive labours, and require great expenditures, is certain:—Yet, I believe that if they are commenced on correct principles, and are wisely and honestly conducted, they will occasion no waste of public resources, but that, on the contrary, the capitals which may be expended will be replaced, and that the regular incomes that they will produce will supply funds for new combinations, and still greater improvements.

At the present period, no money is hoarded by civilized and commercial nations, beyond what is required for immediate use. A well organized and established public credit, is to them invaluable. The credit of no country is superior to that of the United States and the Eastern States. At the present time, great capitals are unemployed, arising from accumulating dividends, and the extinction of national, and other debts. The interest of money is consequently low, and loans for permanent investments, wherever a convertible satisfactory security can be presented, may be readily obtained.

A canal from the sources of Connecticut river to tide water, ought to be viewed as a single object. The expense of constructing it will depend on the obstacles which may be discovered on different points of the entire line, and will in no degree depend on its length, or on the boundaries of State jurisdictions. It is, hence, important that the Engineers who may establish the particular locations, and estimate the expense of forming the entire canal, and, perhaps, superintend its construction, should be designated by the national government, not only on account of their science and skill, but from their presumed impartiality and integrity.

The co-operation of the four states, whose jurisdictions are connected with the Connecticut River, will, at some time, be necessary, and the assent of Congress to any compacts which they may form, will be essential to their validity.

It cannot be safely asserted that it is impossible to devise a contract to be executed by the States in their separate capacities, authorizing the construction of the proposed Canal, and affording complete security to all the rights and interests which ought to be protected. I place entire confidence in the good faith of each of these states, though I firmly believe that an act of incorporation by Congress, in accordance with their several views, as they might be disclosed by their Representatives, would be a more perspicuous instrument, less liable to misconstruction, and, therefore, more acceptable to stockholders, who are apt to consider precision in public contracts as essential to the securities which it is their object to afford; besides, this mode would best correspond with our habits and usages in analogous cases.

If funds for defraying the first formations, can in any manner be provided, the Connecticut Canal will yield a regular income, as fast as any portion is completed, and during its whole progress, this income will increase, not in a simple, but in some compound ratio, as the lines of improvement advance, and at intermediate points become connected. The correctness of this principle is manifest, by the experience of our Turnpike Companies, where long lines of transportation, or of travelling, have not been interrupted. It is farther evinced by the increasing revenue derived from the great canals of the State of New-York, and is demonstrable by reason.

I take the liberty to suggest, that a transferable stock

might be created by the National government, the accounts of which should be kept distinct from those which relate to the funded debt, which ought to be preserved in the present regular course of extinction. This stock should be rendered solely applicable to the aid of such improvements as were specifically sanctioned by the government, with the consent of the States in which they were located. It might be declared redeemable at the periods when the authorized improvements became productive of income, which periods can now be nearly ascertained by precise contracts; the improvements, when productive of revenue, by being divisible into shares, would be desirable objects, in which the funds of States, local corporations, and individuals, might be safely and permanently invested, thereby supplying resources for redeeming national stock, which had been advanced.

If the first distributions, of stock, were prudently made, and in no greater amounts than the public credit would fully sustain, without displacing that portion of public industry which will be constantly required for other subjects; then immense advantages might be imparted to the separate States, affording to them constant augmentations of their revenues, derived from mere temporary loans of public credit, without any actual advances from the Treasury. The operation of these loans of credit would be wholly different from the waste of capital occasioned by war: they would not diminish those expenditures which the government may desire to make, as strictly *national* improvements, from the proceeds of their revenues as at present established, and they would exhibit, for the first time, the spectacle of a great pacific nation, acting in concert with its separate members, constantly employing, and, at the same time, augmenting its resources, by conferring benefits on mankind.

The other proposition, which was submitted to the consideration of the Senate of the United States, and upon which information has been requested, relates to the expediency of constituting a *National Fund*, to be applied under the authority of the respective States, for the support of education.

The encouragement of public or common schools, for the equal benefit of *all the people*, has been a subject of peculiar solicitude to the government of this State, from an early period, and a principal part of its public property is now inviolably appropriated to this object. As our laws provide for a proportionate distribution of the proceeds of the public fund for the benefit of all children between four and sixteen years of age, first to the school Societies, and, through them, to the School Districts, the principle, upon which the distribution is made, appears to be just. The affections of both parents for their children, are spontaneous, but of these, *maternity* is by far the strongest. In a community generally virtuous, like ours, where women are respected, and are well educated, and where their legal rights are equally protected with those of men, it is found, by our experience, that one or both parents, will most generally provide for their offspring, till they arrive at an age when they ought to be sent to a public school, to mingle in the world in which they must live. In the few cases which occur, where the instincts of nature have become depraved, provision has been made for separating, governing, and instructing children, by other than their natural guardians. I therefore accord, with what I know to be the general belief, that with the aids of family instruction, there are few, if any children in this State, left in that unhappy condition, in which it is impossible to acquire that competent knowledge of reading, writing, and arithmetic, which will enable them, by their own exertions, to advance to higher degrees of literature. As this is all which human laws can effect, I can perceive nothing which the paternal care of the State has omitted, except such provisions for a more energetic and general superintendence, over the mere modes of education, as are required by the improvements and experience of the present age.

It is certain that our cities and villages are increasing, and if the State continues prosperous, they will soon concentrate a great proportion of our population.—The schools at present established in our large towns, including the select schools of the opulent, insufficient

for the proper education of all the children, and those of the poor and improvident are in the greatest danger of being neglected.

Happily the system of *Monitorial* or *Lancasterian* schools, comes to our aid, at a time, when, I trust, we are prepared to receive it. It has been sufficiently adopted in this country, to enable every well informed person to judge of its tendencies and principles. It is well known, that it has effected a highly beneficial change in the habits, character, and intelligence of the youth of New-Haven. Those who have passed through a regular course, are well educated young men, prepared to enter on the duties of active life. This system is diffusing over the city of New-York, where it affords indisputable evidence of its beneficial effects, training youth to a love of order and virtue, inspiring their minds with self-regard, religious, and moral sentiments, industry, justice, and a reverence for the laws; repressing juvenile errors, and preparing the mass of population, in a scene where lately great dangers existed, to support those pure manners and correct principles, upon which the conversation of republican governments, must, in a very few years, entirely depend.

If funds can be obtained, to defray the expenses of the necessary preparations, I have no doubt that schools, on the *Lancasterian* model, ought, as soon as possible, to be established in several parts of this State. The buildings should be constructed by our architects, of permanent materials; such plans as experience has recommended, can readily be obtained from New-York; instructors are constantly forming; and wherever, from two hundred to one thousand children can be convened within a suitable distance, this mode of instruction, in every branch of reading, speaking, penmanship, arithmetic, and book-keeping, will be found much more efficient, direct, and economical, than the practices now generally pursued in our primary schools. These branches of knowledge, in themselves, constitute a good education; and it is their great recommendation, that the *Lancasterian* mode can be readily conformed to our principles, habits and present usages.

Between our common schools, and an academic education in our Colleges, our laws recognise an intermediate grade, or "school of an high order," which each of the school societies are authorized to establish by a vote of two thirds of the inhabitants, present in a legal meeting warned for that purpose. One such school was formerly required to be established in each country town; but this grade has been, in a great measure, if not wholly, superseded in practice, by academies and other voluntary associations; some of which have been incorporated by law; that they have been highly advantageous and honorable to the state, is well known, and I think that they merit every public encouragement which can be afforded.

By the progress of science in our country, institutions are gradually forming, which are designed to promote every branch of useful knowledge, with appropriate application to the minds of young men, of the principles of mathematics, chemistry, geology, mineralogy, botany, zoology, and natural philosophy. By a knowledge of these sciences, they become intelligent agriculturists, machinists, manufacturers, architects, and civil and military engineers; and they accomplish all these purposes, without neglecting the duties of morality and religion.

It is manifest, that these establishments require spacious buildings, libraries, models and specimens, and to some of them costly machines and apparatus are indispensable, to enable the professors to communicate instruction. The resources for combining them, can only be supplied by contributions of public or private wealth; all that can reasonably or justly be expected from our scientific men, is, that when they are furnished with necessary materials, they will freely communicate their knowledge, and await rewards for their time and the previous expenditures which attended their own education, from a free and open competition for public patronage.

All the advances which have been made in our system of education, have been derived from incorporated Colleges. Washington College is a recent establishment, which has received no public endowment. Of Yale College, it may be asserted, that it is one of the most ancient, honourable, and

useful literary institutions in America. The long list of divines, lawyers, physicians, statesmen, heroes, orators, and philosophers, which it has reared, have conferred on it imperishable renown, and the records of their piety, mental energy, sacrifices and patriotism, form the brightest pages of American history.

Although this College has, at different periods, received donations from the State, and from individuals, yet it is, at present, suffering much inconvenience, and at least relative discouragements, for want of such endowments as are required by the spirit of the age, and especially of a more extensive library and scientific apparatus.

From the facts which have thus been, as I trust, impartially and truly stated, the inference must be deduced, that the institutions for education in this State, need the patronage of the National Government. The territory and resources of this State are confined within narrow limits; we are surrounded by opulent and enterprising neighbours, who attract to themselves many of our educated and industrious men, and with them no inconsiderable proportion of our wealth. We feel no jealousy of their aggrandizement, and do not envy them the possession of their advantages. While pursuing our quiet and unostentatious career, we have, during every period, assisted in the defence of the soil of this country, with our treasures and our blood;—we may appeal to our laws, to the institutions which we have reared, and to the social habits which we have formed, for proofs of our republican principles:—we have been, and must remain, a colonizing State, and we believe, that intelligent, industrious and virtuous citizens, are the best donations which can be presented to the new settlements which are framing. In return, we ask for no partial favours, but that we may be permitted to share, in a just proportion with our brethren, in that common prosperity which we are anxious to accelerate.

OLIVER WOLCOTT.

General Assembly, May Session, 1825.

JOHN QUINCY ADAMS,
PRESIDENT OF THE UNITED STATES OF AMERICA,
To all whom it may concern:

Satisfactory evidence having been exhibited to me, that CHARLES TIERNAN is appointed Vice-Consul of the Republic of Mexico, for the port of Baltimore, in the State of Maryland, to reside at Baltimore, I do hereby recognise him as such, and declare him free to exercise and enjoy such functions, and powers, and privileges, as are allowed to the Vice-Consuls of the most favored nations in the United States.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand, at the City of Washington, the thirteenth day of May, A. D. 1825, and of the Independence of the United States of America the forty-ninth.

JOHN QUINCY ADAMS.

By the President:
H. CLAY,
Secretary of State.

JOHN QUINCY ADAMS,
PRESIDENT OF THE UNITED STATES OF AMERICA,
To all whom it may concern:

Satisfactory evidence having been exhibited to me, that HENRY B. CHEW is appointed Vice-Consul of the Republic of Mexico, for the port of Philadelphia, in the State of Pennsylvania, to reside at Philadelphia, I do hereby recognise him as such, and declare him free to exercise and enjoy such functions, and powers, and privileges, as are allowed to the Vice-Consuls of the most favored nations in the United States.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand, at the City of Washington, the thirteenth day of May, A. D. 1825, and of the Independence of the United States of America the forty-ninth.

JOHN QUINCY ADAMS.

By the President:
H. CLAY,
Secretary of State.